

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CBC FINANCIAL, INC., a Nevada corporation,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN SAFETY INDEMNITY COMPANY,)
 et al.,)
)
 Defendants.)

Case No. 2:04-cv-00547-DAE-GWF

REPORT AND RECOMMENDATION
THAT CLERK'S ENTRY OF
JUDGMENT BE VACATED

This matter is before the Court on Plaintiff's Motion for Relief From Judgment Pursuant to FRCP 60 and FRCP 59(e) (#156), filed on August 25, 2006 and Defendants Schwarz Insurance Agency, Inc.'s and Rodd Thieler's Limited Opposition to Plaintiff's Motion for Relief From Judgment (#159), filed on August 31, 2006.

On August 4, 2006, the Court entered its order (#150) awarding \$4,625.50 to Defendants based on the Court's previous order (#139) which denied Defendants' motion to strike Plaintiff's expert witness J. Michael Low based on Plaintiff's failure to timely comply with the requirements of Fed.R.Civ.Pro. 26(a), but which granted alternative sanctions to Defendants based on Plaintiff's failure to timely comply with the requirements of the rule. The Clerk's Office has entered a Judgment in a Civil Case (#151) pursuant to the Court's Order (#150) awarding monetary sanctions to the Defendants. The Court's order awarding sanctions, however, is not a final decision upon which a judgment should be entered. Accordingly,

...

IT IS HEREBY RECOMMENDED that the Judgment In A Civil Case (#151) be VACATED as entered in error.

DATED this 5th day of September, 2006.

George Foley Jr.
GEORGE FOLEY, JR.
U.S. MAGISTRATE JUDGE